

## Case 1:13-cv-01278-LTS Document 39 Filed 11/18/13 Page 1 of 1



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November 18, 2013

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**BY FACSIMILE AND ECF**

The Honorable Laura Taylor Swain  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, NY 10007

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Re: *Cablevision Systems Corporation v. Viacom International Inc.*, 13 CIV 1278 (LTS) (JLC)

Dear Judge Swain:

We represent plaintiffs Cablevision Systems Corporation and CSC Holdings, LLC (“Cablevision”) in the above captioned matter. Cablevision respectfully seeks leave to submit a sur-reply, not to exceed 3 pages, in further opposition to the motion to dismiss Cablevision’s amended complaint filed by defendants Viacom International Inc. and Black Entertainment Television LLC (“Viacom”) on August 23, 2013.

Cablevision seeks leave to file a sur-reply because Viacom’s reply brief in support of its motion to dismiss advances a contention that, in Cablevision’s view, was not sufficiently raised in Viacom’s opening brief. Specifically, in its reply brief Viacom argues in the alternative that Cablevision’s tying claim should not be subject to *per se* analysis, but rather must be evaluated solely under the rule of reason. Viacom has represented to Cablevision that it does not oppose the leave Cablevision seeks here as long as Cablevision’s sur-reply is limited to that issue.

Respectfully,

Mark S. Popofsky

Cc: Joseph F. Tringali, Esq.  
Peri L. Zelig, Esq.

The request is granted. The sur-reply must be filed (and a courtesy copy provided for chambers) by November 27, 2013.  
SO ORDERED.

LAURA TAYLOR SWAIN, U.S.D.J.